

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE NORTHWEST BIOTHERAPEUTICS  
INC. SECURITIES LITIGATION

Master No. C07-1254-RAJ

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

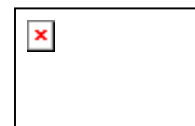
FINAL JUDGMENT AND ORDER OF  
DISMISSAL WITH PREJUDICE

This matter came before the Court for hearing pursuant to an Order of this Court, dated February 20, 2009, on the application of the Settling Parties for approval of the settlement set forth in the Stipulation of Settlement dated as of December 31, 2008 (the "Stipulation"). Due and adequate notice having been given of the settlement as required in said Order, and the Court having considered all papers filed and proceedings held herein, including the objection(s) to the proposed settlement or fee application, and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Judgment incorporates by reference the definitions in the Stipulation, and all terms used herein shall have the same meanings set forth in the Stipulation.

2. This Court has jurisdiction over the subject matter of the Litigation and over all parties to the Litigation, including all Members of the Class.

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1           3.       Except as to any individual claim of those Persons who have validly and timely  
2 requested exclusion from the Class, the Litigation and all claims contained therein, including all  
3 of the Released Claims, are dismissed with prejudice as to the Lead Plaintiff and the other  
4 Members of the Class, and as against each and all of the Released Persons. The parties are to  
5 bear their own costs, except as otherwise provided in the Stipulation.

6           4.       Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court hereby  
7 approves the settlement set forth in the Stipulation and finds that said settlement is, in all  
8 respects, fair, reasonable and adequate to, and is in the best interests of, the Lead Plaintiff, the  
9 Class and each of the Class Members. This Court further finds the settlement set forth in the  
10 Stipulation is the result of arm's-length negotiations between experienced counsel representing  
11 the interests of the Lead Plaintiff, the Class Members and the Defendants. Accordingly, the  
12 settlement embodied in the Stipulation is hereby approved in all respects and shall be  
13 consummated in accordance with its terms and provisions. The Settling Parties are hereby  
14 directed to perform the terms of the Stipulation.

15           5.       The Court has reviewed and considered the Plan of Allocation and the documents  
16 submitted in support thereof and approves of the Plan of Allocation, as set forth in the Notice to  
17 the Class.

18           6.       Upon the Effective Date, the Lead Plaintiff and each of the Class Members shall  
19 be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever  
20 released, relinquished and discharged all Released Claims against the Released Persons, whether  
21 or not such Class Member executes and delivers a Proof of Claim and Release form.

22           7.       Upon the Effective Date, all Class Members and anyone claiming through or on  
23 behalf of any of them, will be forever barred and enjoined from commencing, instituting,  
24 prosecuting, or continuing to prosecute any action or other proceeding in any court of law or  
25 equity, arbitration tribunal, or administrative forum, asserting the Released Claims against any of  
26 the Released Persons.

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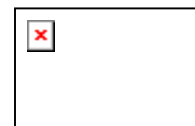
1           8.       Upon the Effective Date hereof, each of the Released Persons shall be deemed to  
2 have, and by operation of this Judgment shall have, fully, finally, and forever released,  
3 relinquished and discharged the Lead Plaintiff, each and all of the Class Members, and Lead  
4 Counsel from all claims (including Unknown Claims), arising out of, relating to, or in connection  
5 with the institution, prosecution, assertion, settlement or resolution of the Litigation or the  
6 Released Claims.

7           9.       The distribution of the Notice of Pendency and Proposed Settlement of Class  
8 Action and the publication of the Summary Notice as provided for in the Order Preliminarily  
9 Approving Settlement and Providing for Notice constituted the best notice practicable under the  
10 circumstances, including individual notice to all Members of the Class who could be identified  
11 through reasonable effort. Said Notice provided the best notice practicable under the  
12 circumstances of those proceedings and of the matters set forth therein, including the proposed  
13 settlement set forth in the Stipulation, to all Persons entitled to such notice, and said Notice fully  
14 satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of due  
15 process, and any other applicable law.

16           10.     The plan of allocation submitted by Lead Counsel or any order entered regarding  
17 the attorneys' fee and expense application shall in no way disturb or affect this Final Judgment  
18 and shall be considered separate from this Final Judgment.

19           11.     Neither the Stipulation nor the settlement contained therein, nor any act  
20 performed or document executed pursuant to or in furtherance of the Stipulation or the  
21 settlement: (a) is or may be deemed to be or may be used as an admission of, or evidence of, the  
22 validity of any Released Claim, or of any wrongdoing or liability of the Defendants or their  
23 Related Parties; or (b) is or may be deemed to be or may be used as an admission of, or evidence  
24 of, any fault or omission of any of the Defendants or their Related Parties in any civil, criminal  
25 or administrative proceeding in any court, administrative agency or other tribunal. Defendants  
26 and/or their Related Parties may file the Stipulation and/or the Judgment in any other action that

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1 may be brought against them in order to support a defense or counterclaim based on principles of  
2 *res judicata*, collateral estoppel, release, good faith settlement, judgment bar or reduction or any  
3 other theory of claim preclusion or issue preclusion or similar defense or counterclaim.

4 12. Without affecting the finality of this Judgment in any way, this Court hereby  
5 retains continuing jurisdiction over (a) implementation of this settlement and any award or  
6 distribution of the Settlement Fund, including interest earned thereon; (b) disposition of the  
7 Settlement Fund; (c) hearing and determining applications for attorneys' fees and expenses in the  
8 Litigation; and (d) all parties hereto for the purpose of construing, enforcing and administering  
9 the Stipulation.

10 13. The Court finds that during the course of the Litigation, the Settling Parties and  
11 their respective counsel at all times complied with the requirements of Federal Rule of Civil  
12 Procedure 11.

13 14. In the event that the settlement does not become effective in accordance with the  
14 terms of the Stipulation or the Effective Date does not occur, or in the event that the Settlement  
15 Fund, or any portion thereof, is returned to the Defendants, then this Judgment shall be rendered  
16 null and void to the extent provided by and in accordance with the Stipulation and shall be  
17 vacated and, in such event, all orders entered and releases delivered in connection herewith shall  
18 be null and void to the extent provided by and in accordance with the Stipulation.

19 IT IS SO ORDERED.

20 Dated this the 16<sup>th</sup> of June, 2009.

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24 The Honorable Richard A. Jones  
25 United States District Judge  
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